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8 UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 JAVIER ANAYA-ACOSTA,  
13 aka "Javier Anaya,"  
14 aka "Javier Amaya,"

15 Defendant.

Case No. 2:25-mj-179-NJK

**Stipulation to Extend Deadlines  
to Conduct Preliminary Hearing and  
File Indictment (First Request)**

17 IT IS HEREBY STIPULATED AND AGREED, by and between Sue Fahami,  
18 Acting United States Attorney, and Clay Plummer, Special Assistant United States  
19 Attorney, counsel for the United States of America, and Andrea Vitoria, Assistant  
20 Federal Public Defender, counsel for Defendant JAVIER ANAYA-ACOSTA that the  
21 Court schedule the preliminary hearing in this case for no earlier than 90 days from the date  
22 of the Defendant's initial appearance. The preliminary hearing is currently set for 20 of  
23 March 2025, at 4 PM. This request requires that the Court extend two deadlines: (1)  
24 that a preliminary hearing be conducted within 14 days of a detained defendant's initial

1 appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or indictment be filed  
2 within 30 days of a defendant's arrest, *see* 18 U.S.C. § 3161(b).

3 This stipulation is entered into for the following reasons:

4 1. The United States Attorney's Office has developed an early disposition  
5 program for immigration cases, authorized by the Attorney General pursuant to the  
6 PROTECT ACT of 2003, Pub. L. 108-21.

7 2. The early disposition program for immigration cases is designed to: (1) reduce  
8 the number of hearings required in order to dispose of a criminal case; (2) avoid having  
9 more cases added to the court's trial calendar, while still discharging the government's duty  
10 to prosecute federal crimes; (3) reduce the amount of time between complaint and  
11 sentencing; and (4) avoid adding significant time to the grand jury calendar to seek  
12 indictments in immigration cases, which in turn reduces court costs.

13 3. The government has made a plea offer in this case that requires defendant to  
14 waive specific rights and hearings in exchange for "fast-track" downward departure under  
15 USSG § 5K3.1. This offer will be withdrawn if it is not timely accepted before this matter is  
16 indicted and before a preliminary hearing is held.

17 4. Under Federal Rule of Criminal Procedure 5.1(c), the Court "must hold the  
18 preliminary hearing within a reasonable time, but no later than 14 days after the initial  
19 appearance if the defendant is in custody . . . ."

20 5. However, under Rule 5.1(d), "[w]ith the defendant's consent and upon a  
21 showing of good cause—taking into account the public interest in the prompt disposition of  
22 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more  
23 times . . . ."

1           6.       Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny  
2 information or indictment charging an individual with the commission of an offense shall be  
3 filed within thirty days from the date on which such individual was arrested or served with a  
4 summons in connection with such charges.”

5           7.       Defendant needs additional time to review the discovery and investigate  
6 potential defenses to make an informed decision as to how to proceed, including whether to  
7 accept the fast-track plea agreement.

8           8.       Accordingly, the parties jointly request that the Court schedule the  
9 preliminary hearing in this case no sooner than 90 days from the Defendant’s initial  
10 appearance.

11          9.       Defendant is in custody and agrees to the extension of the 14-day deadline  
12 imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C.  
13 § 3161(b), provided that the information or indictment is filed on or before the date ordered  
14 pursuant to this stipulation.

15          10.      The parties agree to the extension of that deadline.

16          11.      This extension supports the public interest in the prompt disposition of  
17 criminal cases by permitting defendant to consider entering into a plea agreement under the  
18 United States Attorney’s Office’s fast-track program for § 1326 defendants.

19          12.      Accordingly, the additional time requested by this stipulation is allowed  
20 under Federal Rule of Criminal Procedure 5.1(d).

21          13.      In addition, the parties stipulate and agree that the time between today and  
22 the scheduled preliminary hearing is excludable in computing the time within which the  
23 defendant must be indicted and the trial herein must commence pursuant to the Speedy  
24

1 Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C.  
2 § 3161(h)(7)(B)(i) and (iv).

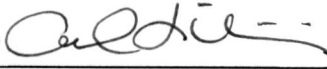
3 14. This is the first request for an extension of the deadlines by which to conduct  
4 the preliminary hearing and to file an indictment.

5 DATED this 7th day of March, 2025.

6 Respectfully submitted,

7 RENE VALLADARES  
Federal Public Defender

SUE FAHAMI  
Acting United States Attorney

8 /s/ 

/s/ Clay Plummer

9 Assistant Federal Public Defender  
10 Counsel for Defendant  
11 JAVIER ANAYA-ACOSTA

CLAY A PLUMMER  
Assistant United States Attorneys



UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAVIER ANAYA-ACOSTA,

aka "Javier Anaya,"

aka "Javier Amaya,"

Defendant.

Case No. 2:25-mj-00179-NJK

~~[Proposed]~~ Order on Stipulation to  
Extend Deadlines to Conduct  
Preliminary Hearing and File  
Indictment

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled on the 20 day of March, 2025 at the hour of 4 p.m., be vacated and continued to July 1, 2025 at 4:00 p.m.

DATED this 11th day of March, 2025.

  
HONORABLE NANCY J. KOPPE  
UNITED STATES MAGISTRATE JUDGE